

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually, and :  
On Behalf Of All Others Similarly Situated : 07 Civ. 8538 (RWS)  
 : Judge Robert W. Sweet  
v. :  
 :  
E\*TRADE FINANCIAL CORPORATION, :  
MITCHELL H. CAPLAN, AND :  
ROBERT J. SIMMONS :  
 :

[Captions continued on the following page]

**NOTICE OF THE  
INSTITUTIONAL INVESTOR GROUP’S MOTION TO  
CONSOLIDATE ACTIONS, TO BE APPOINTED LEAD PLAINTIFF  
AND FOR APPROVAL OF ITS SELECTION OF LEAD COUNSEL**

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WILLIAM BOSTON, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

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ROBERT D. THULMAN, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

---

WENDY M. DAVIDSON, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

---

JOSHUA FERENC, Individually, and  
On Behalf Of All Others Similarly Situated

v.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN, AND  
ROBERT J. SIMMONS

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07 Civ. 8808 (RWS)  
Judge Robert W. Sweet

07 Civ. 9651 (RWS)  
Judge Robert W. Sweet

07 Civ. 10400 (UA)  
Judge Unassigned

07 Civ. 10540 (SHS)  
Judge Sidney H. Stein

**PLEASE TAKE NOTICE THAT** pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78-u-4(a)(3)(B), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), the Mississippi Public Employees’ Retirement System (“Mississippi PERS”) and AFA Livförsäkringsaktiebolag, AFA

Sjukförsäkringsaktiebolag, AFA Trygghetsförsäkringsaktiebolag and Kollektivavtalsstiftelsen TSL (collectively, “AFA” and with Mississippi PERS, collectively, the “Institutional Investor Group”), respectfully move this Court before the Honorable Robert W. Sweet, at the United States District Court of the Southern District of New York, at a date and time to be determined by the Court, for the consolidation of the related actions, for appointment as Lead Plaintiff for the class, and for approval of the Institutional Investor Group’s selection of the law firms of Grant & Eisenhofer P.A. and Schiffrin Barroway Topaz & Kessler, LLP as Lead Counsel for the class.

This Motion is supported by the following documents submitted herewith:

(1) Memorandum of Law In Support Of The Institutional Investor Group’s Motion To Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval Of Its Selection Of Lead Counsel; and

(2) Declaration of Jay W. Eisenhofer In Support Of The Institutional Investor Group’s Motion To Consolidate Actions, To Be Appointed Lead Plaintiff and For Approval Of

Its Selection Of Lead Counsel, dated December 3, 2007, and the accompanying exhibits.

Dated: December 3, 2007

/s/ Geoffrey C. Jarvis  
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***Counsel for the Institutional Investor  
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Class***

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2007, I caused the attached **Notice of the Institutional Investor Group's Motion to Consolidate Actions, to be Appointed Lead Plaintiff and For Approval of its Selection of Lead Counsel, Memorandum of Law in Support of the Institutional Investor Group's Motion to Consolidate Actions, to be Appointed Lead Plaintiff and For Approval of its Selection of Lead Counsel, Rule 7.1 Disclosure Statement, and Declaration of Jay W. Eisenhofer and accompanying exhibits**, to be filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure and/or the Southern District of New York Local Rules, Southern District of New York Electronic Service, upon the following counsel:

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I further certify that the foregoing papers were served via first class mail to the following  
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